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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,771	10/19/2004	Toni Kopra	KOLS.153US	6632

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Hollingsworth & Funk LLC
8009 34th Avenue South
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Minneapolis, MN 55425

EXAMINER

TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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09/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,771

Applicant(s)

KOPRA ET AL.

Examiner

CongVan Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,9,10,13-16,18,19,22,23 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 2,3,8,11,12,17,20,21 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-7, 9-10, 13-16, 18-19, 22-23, and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Waki et al. (7,194,758).

Regarding claims 1, 7, and 9, Waki discloses a digital broadcast system comprising: broadcasting a media stream by a broadcast system (see fig.1, element 200, and its description); generating a group of content items associated with the media stream (see fig.5, elements 516 and its description); attaching to the content items timing information to indicate the timing for presenting a content item; delivering the group of content items with the timing information to the user terminal (see fig.5, elements 516, fig.6, col. 15-16, and its description); presenting the content items in the user terminal in a first mode wherein a presentation element corresponding to a content item is changed to another presentation element according to the timing information of the content item, or in a second mode wherein a presentation element is changed to another presentation element in response to a user action; and allowing transition from

the second mode to the first mode only by authorization according to a pre-defined procedure (see fig.1, 202, fig.6, col. 15, line 49-col.16, line 49 and its description).

Regarding claims 4-5, 13, Waki further discloses attaching to the content item mode information to indicate whether presenting of the content item relates to a transition to the first mode of the user terminal or to the second mode of the user terminal; and changing the mode of the user terminal according to the mode information of the content item currently presented by the user terminal (see figs.1-2, 202, fig.6, col. 15, line 49-col.16, line 49 and its description).

Regarding claims 6, 15, Waki further discloses generating a content item while broadcasting the associated program in the media stream (see fig.5, elements 516 and its description); and indicating in the timing information that the content item is to be presented immediately at reception (see fig.5, elements 516, fig.6, col. 15-16, and its description).

Regarding claims 10, 14, 16, and 18, Waki discloses a digital broadcast system comprising: a broadcast system, a telecommunication system, a content processing system, and a user terminal, wherein the broadcast system is configured to broadcast a media stream (see fig.1, elements 200, 205, 206, 202, and its description); the content processing system is configured to generate a group of content items associated with the media stream (see fig.5, elements 516 and its description); the content processing system is configured to attach to the content items timing information to indicate the timing for presenting a content item (see fig.5, elements 516, fig.6, col. 15-16, and its description); the user terminal is configured to present the content items in the user

terminal in a first mode, wherein a presentation element corresponding to a content item is changed to another presentation element according to the timing information of the content item, or in a second mode wherein a presentation element is changed to another presentation element in response to a user action (see fig.1, 202, fig.6, col. 15, line 49-col.16, line 49 and its description); and the user terminal is configured to transit from the second mode to the first mode only by authorization according to a pre-defined procedure (see col.16, lines 14-33 and its description).

Regarding claims 19, 22-23, and 25-26, Waki discloses a digital broadcast system comprising a broadcast system for broadcasting a media stream, wherein the user terminal (see fig.1, elements 200, 205, 206, 202, and its description) comprises means for receiving a group of content items associated with the media stream with timing information to indicate the timing for presenting a content item (see fig.5, elements 516, fig.6, col. 15-16, and its description); means for presenting the content items in the user terminal in a first mode wherein a presentation element corresponding to a content item is changed to another presentation element according to the timing information of the content item, or in a second mode wherein a presentation element is changed to another presentation element in response to a user action (see fig.1, 202, fig.6, col. 15, line 49-col.16, line 49 and its description); and means for allowing transition from the second mode to the first mode only by authorization according to a pre-defined procedure (see col.16, lines 14-33 and its description).

Regarding claims 27-28, Waki discloses a digital broadcast system comprising a broadcast system, a telecommunication system, a content creation tools, and a user

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terminal, wherein the server is configured to receive from the content creation tool a group of content items associated with the media stream with timing information to indicate the timing for presenting a content item (see fig.1, element 200, fig.5, elements 516, fig.6, col. 15-16, and its description); the server is configured to receive from the user terminal a signal for indicating whether the user terminal is in a first mode wherein a presentation element corresponding to a content item is changed to another presentation element according to the timing information of the content item, or in a second mode wherein a presentation element is changed to another presentation element in response to a user action; the server is configured to transmit content items to the user terminal when the user terminal is in a first mode (see fig.1, 202, fig.6, col. 15, line 49-col.16, line 49 and its description); and the server is configured not to transmit content items when the user terminal is in a second mode (see col.16, lines 14-33 and its description).

Allowable Subject Matter

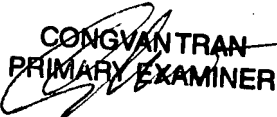
2. Claims 2-3, 8, 11-12, 17, 20-21, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CONGVAN TRAN
PRIMARY EXAMINER

CongVan Tran
Primary Examiner
Art Unit 2617

Aug. 31, 2007.